

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

AMERICAN ASSOCIATION OF
COSMETOLOGY SCHOOLS *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

Civil Action No. 4:23-cv-01267-O

PROPOSED AMENDED BRIEFING SCHEDULE

In accordance with the Court's July 2, 2024 Order, the parties have conferred about a briefing schedule and propose the following dates and deadlines, which are modeled after the Court's Order of April 1, 2024, for the Court's approval:

1. The plaintiffs shall file their dispositive motions by September 13, 2024 (each brief not to exceed 50 pages).
2. The defendants shall file their combined oppositions/dispositive cross-motions by November 8, 2024 (each brief not to exceed 50 pages if moving/responding separately to each plaintiff brief, or not to exceed 80 pages if consolidated with respect to all plaintiffs).
3. The plaintiffs shall file their combined replies in support of their dispositive motions/oppositions to the defendants' cross-motions by December 20, 2024 (each brief not to exceed 50 pages).
4. The defendants shall file their replies in support of their cross-motions by January 31, 2025 (each brief not to exceed 25 pages if replying separately to each plaintiff brief, or not to exceed 45 pages if consolidated with respect to all plaintiffs).
5. In accordance with the Court's Order of July 2, 2024, ECF 22, the AACs Plaintiffs and Ogle Plaintiffs shall each have separate oral argument time.

The parties further agree and propose that:

A. Plaintiffs DuVall's School of Cosmetology, L.L.C. and American Association of Cosmetology Schools ("AACS Plaintiffs") on one hand, and plaintiffs Ogle School Management, LLC and Tricoci University of Beauty Culture, LLC ("Ogle Plaintiffs") on the other, will each file a separate dispositive motion and a separate opposition/ reply. Each opening brief shall not exceed 50 pages. Each combined opposition/reply shall not exceed 50 pages, to be allocated as the AACS Plaintiffs and Ogle Plaintiffs each choose for their own filing. One set of plaintiffs may not simply incorporate or "adopt as if restated" an argument from the other plaintiffs' brief into their own; every argument or point of fact in support of their case shall be stated in full.

B. Defendants may file either separate cross-motions/oppositions and replies as to the AACS Plaintiffs and Ogle Plaintiffs or combined briefs as to both sets of plaintiffs. If Defendants file separate oppositions/ cross-motions as to the AACS Plaintiffs and Ogle Plaintiffs, each brief (that as to the AACS Plaintiffs and that as to the Ogle Plaintiffs) shall not exceed 50 pages. If Defendants file a consolidated opposition/cross-motion as to both sets of Plaintiffs, their brief shall not exceed 80 pages. If Defendants file separate replies as to the AACS Plaintiffs and Ogle Plaintiffs, each reply shall not exceed 25 pages. If Defendants file a consolidated reply as to both sets of Plaintiffs, their reply shall not exceed 45 pages. In any instance where Defendants file two separate briefs as to the AACS Plaintiffs and Ogle Plaintiffs, Defendants shall not use the pages in a brief against the AACS Plaintiffs to address facts or arguments against the Ogle Plaintiffs, or vice versa. Defendants may not simply incorporate or "adopt as if restated" an argument from one brief into another; every argument or point of fact in opposition against each or either set of plaintiffs shall be stated in full.

DATED: July 12, 2024

/s/ Drew T. Dorner
John M. Simpson (*pro hac vice* admission pending)
Drew T. Dorner
Duane Morris LLP
901 New York Avenue NW, Suite 700 East
Washington, D.C. 20001-4795
Tel.: (202) 776-7800
Fax: (202) 776-7801
JMSimpson@duanemorris.com
DTDorner@duanemorris.com

Joakim G. Soederbaum (Texas Bar No.
24091338)
Duane Morris LLP
777 Main Street, Suite 2790
Fort Worth, TX 76102
Tel.: (817) 704-1000
Fax: (817) 704-1001

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Director, Federal Programs Branch

/s/ Kathryn L. Wyer
KATHRYN L. WYER (Utah Bar No. 9846)
U.S. Department of Justice, Civil Division
1100 L Street, N.W., Room 12014
Tel.: (202) 616-8475
kathryn.wyer@usdoj.gov

Counsel for Defendants

JSoederbaum@duanemorris.com

Edward M. Cramp (admitted *pro hac vice*)
Duane Morris LLP
750 B Street, Suite 2900
San Diego, CA 92101-4681
Tel.: (619) 744-2200
Fax: (619) 744-2201
EMCramp@duanemorris.com

*Counsel for American Association of
Cosmetology Schools and DuVall's School of
Cosmetology, L.L.C.*

/s/ Cole Ramey

Cole Ramey (Texas Bar No. 16494980)
Christin Jones (Texas Bar No. 24070017)
Kilpatrick Townsend & Stockton LLP
2001 Ross Avenue, Suite 4400
Dallas, TX 75201
Tel.: (214) 922-7126
Fax: (214) 922-7101
CRamey@ktslaw.com
CJones@ktslaw.com

Paul D. Clement (admitted *pro hac vice*)
Andrew C. Lawrence (admitted *pro hac vice*)
Kevin Wynosky* (admitted *pro hac vice*)
Clement & Murphy, PLLC
706 Duke Street
Alexandria, VA 22314
Tel.: (202) 742-8900
paul.clement@clementmurphy.com
andrew.lawrence@clementmurphy.com
kevin.wynosky@clementmurphy.com

*Supervised by principals of the firm who are
members of the Virginia Bar

*Counsel for Ogle School Management, LLC
and Tricoci University of Beauty Culture,
LLC*